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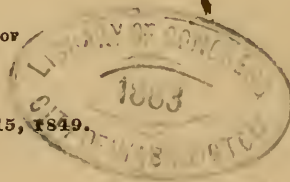
ON THE

MEXICAN TREATY;

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THOUGHTS

ON

MR. TRIST'S TREATY.

[The gentleman to whom the following letter was addressed, having obtained the consent of his correspondent, has handed it to us for publication. It is valuable as a cotemporaneous and comprehensive view of the motives and features of our Treaty with Mexico. We believe this most able and interesting document will attract attention. The reader will be struck with observing, how, even in less than a year since its date, the shades of fact and opinion, so important to the truth of history, fade away. Its publication at this time makes it even more interesting than if published at the time of its date. We thank the correspondent of its author for selecting our paper as the channel for its publication.]—*Ledger*.

MY DEAR SIR:—I cannot agree with your conclusion as to the doubtful effects of our treaties in general. It is hardly fair to say that we have been out-witted in the game of diplomacy. In truth, we have mostly attained what we aimed to attain, and have very seldom yielded to a proposition without being quite convinced that its operations would be beneficial to ourselves. Perhaps we have indulged too much eagerness for treaty-making—sometimes forcing artificial relations where nature never intended any to exist—sometimes deluded by theories of trade, and now and then impelled by a generous sentiment, or allured by a plausible profession. Like true Yankees, we have occasionally found delight in making a bargain, merely for bargaining's sake. Thus, during our seventy-two years of independent existence, we have entered into no less than ninety-nine international contracts, exclusive of Indian ones; and I

will repeat to you, without stopping to comment upon them, the names of the *forty-one sovereignties* with whom we have so contracted: 1, France; 2, Great Britain; 3, The Netherlands; 4, Sweden; 5, Prussia; 6, Morocco; 7, Algiers; 8, Spain; 9, Tripoli; 10, Russia; 11, Tunis; 12, Columbia; 13, Central America; 14, Denmark; 15, The Hanseatic Republics; 16, Mexico; 17, Brazil; 18, Austria; 19, Ottoman Porte; 20, Chili; 21, The Two Sicilies; 22, Siam; 23, Muscat; 24, Venezuela; 25, Peru; 26, Greece; 27, Texas; 28, Sardinia; 29, Equador; 30, Hanover; 31, Portugal; 32, New Grenada; 33, Wurtemberg; 34, China; 35, Belgium; 36, Nassau; 37, Switzerland; 38, Mecklenburg Schwerin; 39, Oldenburg; 40, Bavaria; 41, Saxony.

In asking my "*thoughts on the recent treaty of peace*" with Mexico, you open upon me a wide field, and I cannot answer you without considerable detail; whatever tediousness may follow, you must charge to your own indiscretion.

Certainly a most important addition—perhaps *the* most important since the revolutionary treaties—to the supreme law of the United States, was accomplished by that instrument. To conform with frankness and fidelity to its arrangements and stipulations, and at the same time to reap fully its advantages, are objects which will engage the reflections of our citizens, and which justify, if they do not imperatively exact, a calm consideration of its provisions and probable results.

Springing, as our statutes generally do, out of the pre-dispositions and anterior discussions of the people, their character and bearings are promptly appreciated. Not so with international conventions. These involve topics of exterior relations, impose new and unstudied duties, and open fresh fields for enterprise and industry; all requiring candid, scru-

pulous, and often laborious investigation. The public faith of our country—a gem of incalculable value—has never yet, with good cause, been questioned ; and to secure its unclouded preservation, it is necessary that we should perfectly understand and fulfil, as well in the spirit as in the letter, our positive national obligations. Nothing can be of more binding efficacy than a Treaty of Peace, and nothing calls for greater care of analysis and sterner integrity of construction.

It may, I think, be correctly said that the circumstances which affect our intercourse with the one sister republic of this continent, are calculated to suggest the wisdom of more than common forbearance and caution of action. The temptations to treat her as an enfeebled inferior, to depreciate her civilization, to encroach upon her ill-guarded rights, and to apply the treasures which she so flagrantly mismanages—of her soil, her climate and her location—to the aims of our higher and progressive intelligence, are constantly operating. The history of the world is full of proof that such temptations are apt to sap and overthrow the magnanimity and fame of a nation, and too often impel her into courses of usurpation, which never fail, ultimately, to re-act fatally upon her own institutions and safety. It is easy to see that the destinies of our Union are in a large degree to be influenced by the proximity and our treatment of Mexico. Let us be vigilant—not over her, for she is irremediably powerless—but over ourselves, as a people and a government, that, unseduced by the consciousness of irresistible strength, we may never transcend the limits of justice and honor.

On the 15th of April, 1847, Mr. Nicholas P. Trist, then the Chief Clerk in the Department of State, at Washington, was duly authorized and instructed to proceed, as a Commissioner,

to the United Mexican States, to the head-quarters of our army, and to act "as a confidential agent, fully acquainted with the views of his government, and clothed with full power to conclude a Treaty of Peace."

It will be recollected that, at this date, the war was not yet a year old—taking as its first actual opening the surprise upon Capt. Thornton's party of dragoons, on the 16th of April, 1846. The appointment of Mr. Trist had, notwithstanding, been preceded by a series of battles, from Palo Alto to the eve of Cero Gordo, by which the vast and overpowering ascendancy of the American armies, under any disproportion of numbers, was incontestably established. His mission, though impeded by misapprehensions, repelled by an obstinate enemy, and closed by a recall, was, nevertheless, with a rare vigor of will and assumption of responsibility, persevered in, until the capital of our enemy being occupied by our forces, the instrument now under consideration was, in its original form, signed by its respective negotiators, on the 2d of February, 1848, at the city of Guadalupe Hidalgo.

A record of such solemnity—so momentous in its immediate and its remote consequences to two nations, was never fashioned in a manner more irregular and strange. It can scarcely be assumed that either of the persons by whom it was concocted, on one side or the other, had legally the proper representative capacity to act. Mr. Trist certainly had been divested of all public function, and of this fact his Mexican co-laborers were as perfectly aware, as that their own commissions wanted constitutional foundation. The case became an individual experiment of spontaneous diplomacy: and, of course, past *instructions* received attention only so far as they did not impede the progress of adjustment. This production naturally invoked

attack, criticism, ridicule—it was despised as a mere *piece of paper*; and was alleged to begin and end (in reference to the recitals of powers) with plain blunt falsehood. Notwithstanding all this, the document rapidly found its way to the American Executive; in three weeks only after its completion, it had traversed some thousands of miles, and was submitted to the Senate of the United States for ratification; and on the lapse of two weeks more, it was, with very few changes, invested with all the sanctions of national adoption. Subsequently confirmed by the Mexican authorities, and its ratifications exchanged on the 30th of May, 1848, it has ceased to be “*a mere piece of paper*,” and no longer imports an untruth; but solemnly vouched and guarantied by the joint honor and faith of both countries, it is now and forever, henceforward, “*A Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic.*”

Before proceeding to comment upon the treaty as it stands, it may be useful briefly to advert to those portions of it which failed to obtain the assent of our Government. Some light, indeed, will be shed, by this course, upon our future inquiries, aiding to develop more precisely the purposes of the contracting parties with the hopes and fears by which they were respectively animated.

Two entire articles of the instrument, as transmitted from Mexico, were unhesitatingly rejected by the Senators. The President, in his message communicating it, had expressed his decided repugnance to both of them. The first (which was article tenth,) bore a very equivocal aspect, and found no warrant in any instruction from our Department of State. It savored strongly of private speculating interest, intruding itself, covertly, if not corruptly, into the national arrangement. Its real

object was to pledge the United States to cause to be recognized as valid in the subsequent fulfilment of their conditions an undefined extent of *grants* made by Mexico of lands in Texas, as they would have been valid had Texas never achieved her independence. Such a proposition was inadmissible, in reference alike to the sovereignty and rights of Texas, and to the consitutional range of the treaty-making power. It could not be entertained without insulting Texas, by affecting to intermeddle with her titles to her own property. Nor could it be entertained without unsettling the terms of annexation upon which she had been admitted into the Union. Texas had become a member of our confederacy by promptly and frankly embracing the first and second sections of the joint resolution passed by Congress on the 1st of March, 1845: and in these it was expressly stipulated that she should "retain all the public funds, debts, taxes, and dues of every kind which may belong to, or be due and owing said republic; and all the vacant and unappropriated lands lying within her limits." Nothing but a scheme originating with the holders of bad titles, in order to enhance the value of their grants, can well account for the introduction of this instantly repudiated article. Its real bearing must have eluded the sagacity of our negotiator.

The other *entire* rejection was of "*an additional and secret article.*" The twenty-third article of the treaty itself provided that an exchange of ratifications should take place in *four* months from the date of the signatures—this secret article, contemplating the peculiar circumstances in which the Mexican Republic was placed, extended the *four* to *eight* months.

In all our intercourse with the Government of Mexico, that of which we have had most reason to complain is, an habitual resort to procrastination and duplicity. To gain time,

and to seize the possible advantages of delay, seem perpetual aims with its diplomacy. It has no sincerity and no fixedness. A compound of Spanish gravity and Indian wiliness, it exhibits an equal distrust of others and of itself. To act justly for the sake of justice ; to do what is right, because it is right ; to redeem promises with honorable exactness ; and to construct peace and prosperity upon foundations of good faith ; these are not principles or notions to which Mexican intelligence and experience have yet elevated their foreign policy. If they have earned the epithet of *barbarous*, it is by no trait of character more justly than the one thus described.

The *secret article* only added to a series, exhibited during the last ten years, and especially in the progress of the war, a further illustration of this spirit of craft and instability. *Four* months were amply sufficient for perfecting the peace, if its inclination existed. Why then protract them to *eight*? Was it to prolong the opportunity for realizing some lingering hopes of European intervention? Was it to await the full development of an anticipated dissension among ourselves, respecting the continuance of the war, and the extension of our territories? Was it to retard the withdrawal of our forces to the sickly season? Was it to attempt another organization of their scattered army, like that effected during the armistice? Was it, in fine, to keep the chapter of accidents open, with a design, on any change of fortune, to find pretexts for withholding, ultimately, a ratification? Whatever prompted the dilatory expedient, it failed.

On the part of the United States, there was every reason for insisting that the subject should be brought to a definite close at the earliest practicable day. They had incurred a heavy expenditure in effecting their conquest: their treasury was

not perceptibly relieved by the system of military contribution ; and to keep their victorious armies in the heart of Mexico, waiting, under all the hazards of idleness and demoralization, merely to gratify an affected convenience of their enemy, was rather more than could reasonably be expected from either their generosity or their solicitude for peace. The American people had very generally come to the determination that the struggle should cease, and cease at once ; whether by a pacification, or a permanent occupation, they left to the choice of the subdued.

Dissected by the Senate, other parts of the original treaty shared the fate of its tenth and secret articles.

1. An elaborate and seemingly anxious provision was designed, to obtain from the Government of the United States a special guaranty of all ecclesiastic and religious corporations or communities, in the ceded territories of New Mexico and California, as well in the discharge of the offices of their ministry as in the enjoyment of all their temples, houses and edifices dedicated to the Roman Catholic worship, and in all property destined to its support, or to that of schools, hospitals and other foundations for charitable or beneficent purposes ; and, also, a guaranty that the relations and communications between the Catholics in those territories and their respective ecclesiastical authorities, should be free from all hindrance, even though such authorities should reside within the limits of the Mexican Republic—a freedom to continue so long as a new demarcation of ecclesiastical districts should not have been made, conformably to the laws of the Roman Catholic church.

The hierarchy in Mexico, a separate and wealthy power in the State, upon seeing that it had become necessary to save the nationality of their country, by relinquishing, in the form of a

sale, all claims to the provinces already occupied as conquered, would naturally strive, by conditions, to protect such of their affiliated brethren as remained there in the uninterrupted exercise of a preferred faith and spiritual co-operation. This war, like all others, had been accompanied by exasperating representations from each side, as to the objects and conduct of the adversary. In order to stir up the deepest feelings of hostility to us, and at the same time to induce the church to volunteer her riches and her prayers to repel the invaders, the American people were charged with having entered upon a crusade against the Catholicism of Mexico, and with aiming to discredit and disperse its priesthood, as well as to plunder and raze the temples dedicated to its worship. Nothing could be more absolutely false, and yet nothing, for a season, seemed so likely to debase the contest with the fury of intolerance, assassination and cruelty. The highly discreet and honorable deportment, in this respect, which marked the progress of our forces, as well officers as men, ought to have dispelled all apprehension long before the negotiation for a treaty began.

I will here take occasion to assert that no armies ever overran an enemy's country with so strict and uniform attention to the rules of civilized warfare, as did ours, in all their great campaigns under Taylor, Scott, Kearney, Wool, or Donophan. History will delineate this as their noble characteristic, in contrast with the practices of European belligerents. No licentious and brutal soldiery went riot under the American flag—no towns or villages were sacked—no cities were plundered or fired—no unnecessary carnage stained the fiercest fight—no wanton oppression followed upon victory—no spoils were hoarded—no galleries of art were rifled—no monuments were mutilated or removed—no debts left unpaid. Narratives like

those which have recorded the military excesses of France, England and Russia, in Egypt, or Italy or Spain, or Circassia, or Poland, or Algeria, can never be written to degrade our republican combatants. Still, after the groundless alarm had once been excited, it could hardly surprise us, that a Roman Catholic clergy should suggest some protective stipulations like this, on behalf of those from whom they were about to separate politically forever. It can more fairly be ascribed to affectionate solicitude than to bigotted cunning. The plain truth is, that the most enlightened Mexicans fail to comprehend or appreciate the theory and action of our system as regards the freedom of divine worship—and it was exactly this which they do not understand, which renders it impossible for our Government to subscribe to a proposed contract for guarding ecclesiastical immunities or relations. Our Government might, perhaps, innocently guaranty, as has been heretofore done, in treaties with at least sixteen different countries, the most perfect security and liberty of conscience, and entire exemption from disturbance or molestation on account of religion, to the inhabitants of the ceded provinces. Mr. Joel Barlow, in the treaty he effected with the Bey of Tripoli, diplomatically asserted that “*the Government of the United States of America is not founded on the Christian Religion.*” Mr. Tobias Lear, in a subsequent treaty with the same power, says, more gently, that “*the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of Mussulmans;*” and Mr. Wm. Shaler, in a still later one with the Dey of Algiers, with greater comprehensiveness, affirms, that “*the Government of the United States has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation.*” There is incontestable

truth in each and all of these representations, however widely construed. The constitutional injunction, that "*Congress shall make no law respecting an establishment of religion,*" cannot be too scrupulously complied with. Indeed, had not experience taught us that it is impossible, with any labor of explanation, to infuse into foreign governments an exact sense of the spirit and complexity of our institutions, I should consider it more consistent and more safe, sternly to refrain from even mentioning in national pacts a subject so expressly and confessedly out of the reach of federal legislation or control. Its introduction is certainly somewhat disingenuous, and, by creating erroneous impressions as to the national jurisdiction, might, under circumstances, bring our public faith into question. With us, religious and spiritual allegiance is, as such, a matter essentially extra-political—as wholly intangible by legislation or diplomacy, as private thought.

2. The paragraph on which I have just commented, having been struck from the original document, the one that preceded it was *winnowed* and changed, until it became the short but ample Article IX, of the Treaty, as ratified.

It had provided that the people of California and New Mexico *should*, in the first place, be incorporated into the *Union*, and admitted to the enjoyment of all the rights of citizens of the United States, *as soon as possible*, according to the principles of the Federal Constitution: and in the second place, that they should, in the meantime, enjoy the civil rights now vested in them by Mexican laws, and that their political rights should be equal to those of the inhabitants of our other territories; at least not inferior to those of the inhabitants of Louisiana and Florida, when acquired from France and Spain.

The adding of another member to the American Confederacy,

pregnant as that proceeding is with vast consequences to those already comprising it, is a matter of congressional discretion. It may or it may not be done, as a majority should happen to esteem it wise and expedient, or the reverse. No amount of population, and no period of probation are prescribed as necessary preliminaries. The language of the Constitution is simply—“*New States may be admitted by the Congress into this Union.*” A State can be composed of five thousand, or five hundred thousand; of a foreign, superstitious, indolent, and many colored people, or of known, enlightened, laborious, and pale-hued Saxons; of men to whom our laws and usages are sudden novelties; or of men whose habits of thought and action have been moulded beneath their administration. The discretion of Congress must be governed by a full consideration of these various circumstances; and the hour of admission expedited, or retarded, as may seem best to that body. The form of this stipulation for incorporation into our Union, was obviously found in the treaty purchases of Louisiana and Florida: and had there not been supposed to exist in California and New Mexico a mass of population, exercising all the rights of citizenship, and yet greatly inferior to any received with those prior cessions, perhaps that form, having been tested by time, would have escaped criticism and change. An engagement, however, to welcome into this confederacy, as equal political brethren, and *as soon as possible*, hordes of ignorant, degraded, tawny, black, brown, and semi-barbarous beings, was too repulsive to be directly embraced: and it was avoided by substituting for the words of hot haste, the cool phrase, “*at the proper time, (to be judged of by the Congress of the United States.)*”

To be vainglorious seems a common propensity of nations.

The Egyptians, Jews, Greeks, Spaniards, English, French, Chinese, aye and Turks, have, in succession, flattered themselves with the belief that they held the palm of pre-eminent civilization, and have arrogantly applied the term "*Barbarians*" to others. The manner in which we are prone to speak of our Mexican neighbors, indicates no unwillingness to follow this bad example. Our language of contempt is wholesale and unmeasured. In all things in which they differ from us, we set them down as deficient, rude, or vicious. They, at least, are *our* "*Barbarians*"—lower, perhaps, in the scale of humanity than some tribes of western Indians, though hardly as low as the creeping and cadaverous "*root-diggers*." I am not disposed to controvert what is so palpably unjust, uncharitable, indiscriminating and impolitic. But this I will say: that if there be, and of that I entertain no doubt, an elevating and improving principle in our admirable structure of government, these miserable Mexicans, so long the victims of all sorts of misrule, are the very objects whom we should hasten to embrace within the circle of its regenerating influence. I suppose we cannot, in the high spheres of political action, invoke, even as illustrations of the true philosophy of life, the individual examples of a Howard among the suffering, or a Dix among the insane—governments shrink from the ridicule of propagandism or knight-errantry—but surely our sublimated excellence need fear no contamination with this other race of God's creatures, and may fairly hope to find them, as incoming partners, speedily imitating the successful habits of the old firm.

3. The instrument as sent from Guadalupe Hidalgo, reserved to the Mexican Government the right to determine, when her ratification was given, in which of the two described

modes the United States should pay the prices of the ceded provinces, to wit, fifteen millions of dollars.

Both modes required a payment of three millions of dollars, immediately after the treaty should have been duly ratified by the government of the Mexican Republic, at the city of Mexico, and in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the *first* mode proposed the creation of a United States stock, bearing an annual interest of six per cent., payable at Washington, redeemable at any time after the expiration of two years; of which stock transferable certificates, in such sums respectively as the Mexican Government might specify, were to be *forthwith* delivered to that Government: and the *second* mode proposed the payment at Mexico, and in Mexican coin, in four annual instalments, of three millions each, with interest at the rate of six per cent.—the first instalment and its interest to be paid at the expiration of one year from the ratification of the treaty by Mexico. The reservation of the liberty of choice between these modes of payment, and all that related to the first mode, were stricken out of the treaty by the Senate.

To the Treasury of the United States it was a matter of indifference which of these plans prevailed: but to the security of the objects which our Government had in view, one of them afforded, indirectly, greater aid than the other.

The Mexican administration with whom Mr. Trist negotiated, was surrounded by difficulties, and its duration exceedingly doubtful. No confidence prevailed that it could persevere in the policy of peace, opposed by a numerous and patriotic party, cherishing war as the only means of overthrowing established practices of misgovernment, and of ultimately merging their nationality into ours. Its great want

was money: for without that, how invigorate adherents, or retain dependents? Its credit and means were paralyzed, exhausted, or in the grasp of the conqueror. The prompt receipt of these three millions from the United States would enable it perhaps, on the first shock of peace, if I may so express myself, to stand firm, keep order, and outlive the crisis: but such a sum could scarcely entrench it safely and durably against the threatened assaults of its adversaries, or ward off an almost immediate recurrence of the contest. Twelve additional millions, paid in a form convertible into cash, and at once available, might suffice for every object: and they were naturally, therefore, sought by Peña y Peña.

With us, the course of prudent expediency was different. Whatever, on the close of the war, might be the issue of the struggle between rival factions in the Mexican Republic, whether the management of her affairs passed into new and less amicably disposed hands or not, we had it in our power so to distribute and withhold our payments, as to make them fulfil the purpose of an impressive recognizance to be of good behavior during at least *five* years. That *government*, how much soever its chiefs might change, could not be insensible to the danger of losing, by any rupture of the treaty, the instalments remaining due. And as this consideration must affect the central policy, time would be gained to assuage the wounded sensibility and vindictiveness of the people, by the gradual influences of revived trade and intercourse. No doubt, as we were able, so we should be perfectly justified to retain by force, in despite of all future claim and aggression, the territories in part paid for by the three millions; but it was desirable to sheathe the sword, with a reasonable confidence that it need not again be drawn. We wished, at all events, to aug-

ment the probability that when we disbanded our military levies, we should not be obliged soon and suddenly to reorganize others and repeat our conquests.

As I have drawn too heavily upon your patience already, respecting the rejected portions of the original treaty, I abstain from noticing two or three other points of no great importance, and will now proceed to consider the instrument as it actually binds both countries.

My remarks will, perhaps, assume greater perspicuity if arranged under the two titles by which they are particularly suggested, such as 1, PEACE, and 2, BOUNDARY; and as to both, they shall be as brief and comprehensive as I can make them.

I. PEACE.

It is not easy to determine in what precise light posterity will regard this peace—whether as a purchased or a conquered peace. Certainly it could never have been effected, had we not, by a succession of victories at all quarters, annihilated the military power of Mexico—making her statesmen almost despair of rescuing from extinction the nationality of their country. But with equal certainty, a dogged and infatuated obstinacy, combining with the ulterior policy of an annexation party, would have drawn us into the necessity of systematic and permanent subjugation, had we been unable or unwilling to replenish the empty treasury of Anaya with the price of the ceded Territories.

Nor is it, as respects the point of national character, of any real importance towards which aspect of the matter the judgment of the world ultimately may incline. The superiority of our arms was unquestionable; and if we did not, as was emphatically promised, *conquer the peace*, we certainly con-

quered our enemy whenever and wherever confronted. The country, the whole country, its cities, its seaports, its population, resources and wealth, were at our mercy. If we made a purchase, it was clearly not in order to deprecate any possible reverse, but to obtain a title to our territorial acquisitions, by express contract, (as did William Penn,) in preference to the one by belligerent capture. Such a muniment of property is in better harmony than that of forcible seizure, with the spirit, reasoning and professions of our republican system. Besides, the generous sentiment of the American people recoiled from the arrogant attitude of extorting from prostrated foes, at the point of the bayonet, what they could be induced, by persuasive representations and a fair equivalent, voluntarily to surrender. Peace was in itself a coveted blessing, but it could neither be durable nor welcome without indemnity; and that indemnity it was out of the power of Mexico even plausibly to promise, much less to pay, except by abating the price of lands, which, in her feeble and receding condition, were worthless, but, in our strong and advancing one, were of immense prospective value. We had found no reparation for countless aggressions, in shedding torrents of Mexican blood, in sacrificing many thousands of our own brave citizens, or spending a vast amount of treasure. If redress were essential, and assuredly it could not be waived without making a mockery of public interests and trusts, the wit of man could devise no other means of obtaining it, equally gentle, equally convenient, and equally honorable.

The Peace, whether conquered or purchased, must be regarded as an illustration of American magnanimity. What other government, under the same circumstances, would have made it? What other people would have halted in the hour

of consummate triumph, and, amid the temptations of a rich and splendid Capital, a beautiful and abundant valley, a luxurious climate, the vegetation and tints of perpetual summer—have instantly shut their hearts against ambitious aspirations, and stretched forth their hands to renew the relations of amity? I recollect no similar instance in the whole current of history, ancient or modern. Such a course always has been, and always will be, contemptuously sneered at by monarchies: and past republics, even the generous one of Rome, have left no record of an example which we might be supposed to have copied. Traceable equally to the lofty and temperate character of our citizens, and to the beneficent character of our institutions, it is peculiarly and wholly an *American* act. If the peace be questionable, as showing an absence of forecasting energy—of that statesmanship which seizes Time by the forelock, and forces him to reap at once the harvest of half a century—it at least will remain a monument of self-denying virtue.

There is, undoubtedly, an attraction in the word—"PEACE!" and to that we have often heretofore yielded; on some occasions, with more than judicious readiness. At Ghent, in 1815, it was powerful enough to induce a seemingly entire oblivion of the great cause of seamen's rights, which less than three years before had provoked the declaration of war against Great Britain. In 1842 it allured us into a surrender of territory and a silence on pending reclamations, rather than permit Lord Ashburton to return to his Court unsuccessful and angry. And, fascinated by its seductive charms in 1846, we forgot, like faithless lovers, our solemn vows and protestations to Northern Oregon. We may possibly discover it to be wise and prudent sometimes to resist, as did President Jackson, respecting the French In-

demnity, in 1835, this Circean spell : and I must confess, that the peace with Mexico would be more satisfactory to a reflecting judgment, were the prospects of domestic government and of foreign intrusion in that country less unpromising than they actually are. Shall we admit no reproaches and no regrets, if she sink, the victim of savage anarchy, or more savage military despotism ? Should the scion of some stump of royalty, as a ward of European policy and power, bent upon inoculating this continent with their degrading and pernicious system, be sent and accepted to her Chief Magistracy, might not a tardy and vain repentance follow, as

Earth felt the wound—and Nature from her seat,
Sighing through all her works, gave signs of wo,
That all was lost !

No calamity, no sacrifice, no expenditure, no war, pestilence and famine could entail upon us and our posterity a hundredth part of the evil and inevitable consequences which must flow from fastening a kingly throne, by means of holy alliances, in American soil. The struggle between the fundamental and antagonistic principles of human association would at once be transferred from the eastern hemisphere, where, for ages, and over myriads, it has rioted in blood, pauperism, oppression, bigotry and ignorance. It would have been better to expunge the name of Mexico from the map forever. Her people have an indisputable right to choose their own form of government, regardless of advice, expostulation, or example ; and if misled by corrupted chiefs, or by servile inclinations, they once stoop their backs to receive a regal rider, we may never cease to deplore, in sackcloth and ashes, on their account, as well as our own, the fatal magnanimity of this peace.

I have remarked, though without surprise, how few and

spiritless were the manifestations of rejoicing which greeted the proclamation announcing the war to be over. Here and there a faint illumination shone upon a quiet city crowd. Official guns, within their spheres of discipline, were ceremoniously and punctually discharged. A formulary of thanksgiving passed languidly from pulpit to pulpit. And even the mercury of newspapers scarcely seemed to rise in their columns. This singular indifference to a great event finds much explanation in three facts—the war had very slightly disturbed the business of our country, for the attempt to infest the seas proved entirely abortive; no anxiety as to invasion or inroad had anywhere been created; and our relations with Mexico involved the feelings and interests of comparatively a small class of our citizens. How differently was welcomed the peace with England! and yet *that* peace did not crown as glorious a contest, was not prescribed in the enemy's Capital, and did not consummate a single aim of national policy! Why is this? Alas! I forbear to speak of the power exerted over Americans by the oligarchy, literature, trade, stocks, and even fashions of our Anglo-Saxon rivals and revilers. It disables us from appreciating anything so highly as fraternity with England, anything so afflicting as quarrel with her. We can scarcely yet claim to have achieved our moral independence of the "*mother country*."

II. BOUNDARY.

The boundary of the treaty is, throughout, an imaginary line, and, as such, is certainly not the best that could be established between the nations. Starting in the waters of the Gulf of Mexico, at a point three leagues east of the mouth of the Bravo del Norte, it runs west and northwest, into and up the centre of the main channel of that river, until it strikes the

southern boundary of New Mexico ; then turns due west along that southern boundary, and continues identical with it, over the Sierra Mimbres, to its extreme western point, when it encounters and adheres to the western boundary of New Mexico, running north for about one degree and a half, within forty minutes of the 34th degree of north latitude, where it meets the first branch of the river Gila, when it turns to the centre of that stream, follows it down, inclining southwestwardly, to its confluence with the Colorado, crosses, in a straight line, the Colorado, and pursues its way, direct west, to a point on the Pacific Ocean, one league south of the city of San Diego, and about latitude 32 degrees 40 minutes. By this delineation, it will be perceived that there is expressly incorporated into the territorial area of the United States all the disputed portions of Texas, all new Mexico, and all, save only the southwestern corner, of Upper California.

The purposes of peaceful separation are most surely and conveniently attained by mountainous barriers. *Terminus* is a god of forbearance and repose. He loves a lofty and lonely residence, one from which he can enjoy a wide horizon, and be sure of undisturbed tranquillity. He is unhappy amid the noisy throngs that bustle in plains or in valleys—and he is kept in feverish solicitude by the facility with which, if his home be built on water, he can be invaded on every side. The world's experience is full of this moral. The Alps, the Pyrenees, the Balken, and the Andes may be scaled, it is true, by eagles, in unfrequent flights ; but the Rhine, the Danube, and the Vistula are skimmed unceasingly, to and fro, by lawless skiffs, freighted with smugglers or brigands. The case of the Caroline, on the St. Lawrence, is a memorable and painful illustration in our own story.

This boundary stretches through a vast length of unclaimed wilderness, tenanted chiefly by tribes of fierce and roaming Indians. Henceforward we must control the savages North of it, and prevent their predatory incursions upon Mexico. The obligation to do so has been voluntarily assumed, and, at any cost, must be fulfilled. And yet a smooth, ideal water-mark offers no let to the steed of a Camanche, an Apache, or a Navahoe. Indeed, it may be said that the ease with which such a limit is overleaped acts as a temptation to marauding parties to go into the foreign jurisdiction for their booty.

The same precautions, it is true, which we shall have to take in order to protect our possessions from invasion by Mexicans, may be available as restraints upon our own Indians. A continuous and communicating series of fortified posts will perform the double duty. The standing annual expense cannot, however, fail to be great, and clearly must be much greater than it would have been were the boundary better chosen. Had its track been upon the summits of the Sierra Madre, nature would have furnished the two countries a guaranty almost superseding the necessity of military supervision. Indeed, I have thought this last mentioned line to be the one on which both Republics, in a spirit neither of grasping encroachment nor of timid surrender, but of wise forecast, should have agreed, as the obvious topographical bulwark of their mutual peace, friendship, and separate political and social rights. The hair-streak in the middle of the Bravo and the Gila may snap asunder at every swell of population or of passion, but the rugged chain of inaccessible heights would withstand every thing of this sort for many centuries, if not forever.

By this adjustment of boundary, the superficial extent of

our accession of territory is large, and its value, when fully explored, may be found to exceed its price a hundred-fold. Without including the contested soil of Texas, (which *we* are bound to regard as made *incontestable* by her own assertion of independence,) the treaty assigns to the United States more than five hundred and twenty-six thousand square miles of new land, or something short of three hundred and thirty-seven millions of acres—that is to say, a surface more than four times the size of England, Scotland and Ireland put together, and considerably exceeding the joint areas of France, Spain, England, Portugal and Holland. Our country, by this annexation, becomes nearly as extensive as entire Europe.

Of the actual worth of these immense regions, it is not easy and scarcely useful to venture an estimate, notwithstanding the floods of light shed upon them by explorers and travellers within the last five or six years. No one can reasonably doubt that they are fitted to become the seats of civilization, intelligence and freedom—of busy, agricultural, trading and happy communities. We may claim, without much presumption, for ourselves and our descendants, the ability to bring about such a result, more rapidly and prosperously than could any other of the races of men. All the fundamental materials of climate, soil, water, vegetation, stone and ore await there the plastic powers of industry, order and law. Nature, to be sure, in many parts, wears features of harshness, as well as grandeur—mountainous ranges, capped with eternal snows, dark and craggy gorges, sterile wastes, protracted droughts and tempestuous floods—aspects common to Switzerland, Norway, Scotland, Circassia and Palestine. But there, also, are broad valleys, luxuriant with fruits, grain, flowers and pasturage—noble forests—copious and teeming rivers—and other charac-

teristics of the most cherished lands. To found and foster a series of Commonwealths from the centre to the Western coasts of this continent—to be the parent, as it were, of a boundless, countless and exulting population, inhabiting to all futurity a domain first rescued from savage solitude by our own generation, is, as it would seem to me, an aim so magnificent as well as philanthropic and Christian, as to make almost contemptible the inquiry into present positive value.

We must remember that value is essentially the product of labor, and that few things in their rough and native conditions, apart from their susceptibility to improvement, are much to be prized. The wilderness, however, must be desolate beyond all example, which American pioneers will not rapidly open to sunshine and settlement. The value of New Mexico and California is not to be judged simply by their own inherent qualities. We must take also into consideration their adaptability, as spheres of action, to powers, habits and tastes, which we know ourselves to possess. If Providence, in shaping the characteristics of our people, has placed in their hands the appropriate talisman, they have but to advance in order to dispel the desert and turn solitude into song. And is it not so? As yet, unspoiled by luxury, their heads, hands and hearts are acute, hardy and firm enough, to repeat in the coming century, if not to double, their wonderful progress in the one just elapsed. While we look at Ohio, Louisiana, Michigan, Missouri, Wisconsin, Florida and Arkansas, is it possible to question the investment in the raw material of our new empire, or to doubt its early working out the most precious of all profits, free and flourishing States?

To such of our fellow-citizens who view with discontent the enlargement of our territory, it may be some consolation, that

this treaty emphatically provides against farther extension South. No change is ever to be made in this boundary, "except by the *express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.*" The stipulation is stringent and unequivocal. Its covert allusion to the annexation of Texas cannot be mistaken—and it is an inviolable pledge by both contracting parties that such a case shall never be again enacted. Tamaulipas, New Leon, Coahuila, Chihuahua, Sonora, Lower California, may separately or together achieve independence—but, without the positive and constitutional sanction of the central authorities in Mexico, not one of them can be admitted into our Union, except by manifest breach of faith. The general principles and practices under the laws of nations, to which we so justly appealed, in vindication of our course as to Texas, are henceforward, as between the American and Mexican confederacies, specially modified and restricted. How far it was either prudent or politic on our part to do this, has ceased to be an open question: it is done—deliberately and voluntarily done—and extension in that quarter is arrested by an insurmountable barrier of national honor and justice.

The striking features of incidental boundary are the ten degrees of Pacific coast, which, uniting with the Oregon shore, make a sea line of over twelve hundred miles. Several considerations give to this immense value, in my judgment.

In the first place, it secures us against any conterminous rival in the rear, or between our interior population and the vast Southern Ocean. Our citizens, migrating to the farthest west, incur no hazard of encountering a foreign hostility, and our national treasury need be little appealed to for their protection. Had an ambitious and commercial colony been planted, by an

European monarchy, with its trading and naval rendezvous, at San Francisco, or San Diego, it is easy to perceive the checks and embarrassments to which their prosperous growth must have been subjected.

In the next place, for the purposes of an active intercourse with the rich Orientals, nothing can surpass this magnificent front upon their great highway. The world never has witnessed a commerce like that which must circulate in, from, and over the Mississippi Valley, when steam, while uniting our eastern and western seaports, shall master the stormless and boundless waves of the Pacific. American agriculture and manufactures, with wide outlets on either hand, must send food, clothing, and comfort in all directions; and our country become, as it were, a noble reservoir for streams of wealth returning from every land. Suppose, as a single illustration, that our freights of flour, corn, and pork, had as direct a pathway to three hundred millions of bug-eating and rat-relishing Chinese, as they have to the perishing Irish, we know, from a recent experience, in how salutary a manner we should be affected. This pathway I esteem one of the early and already ripening fruits of the treaty.

Again:—My opinion always has been, and continues to be, that apart from the militia of the respective States, the regular and standing force of the nation should be vested where it is safest for the liberties of the people, to wit, in a navy. I do not believe that the sovereignty and rights of the several members of this Union can long survive the establishment of large armies under central control; but your navy is just as harmless to your domestic institutions and polity, when in countless squadrons covering your coasts, or cheering your trade in every sea, as when creeping a few gun-boats in your bays and

rivers. Instead of constituting forts, garrisons and military armaments, spreading on a long frontier, or stationed in the midst of our citizens, alike expensive and chafing, the protecting power of the nation should be out of its limits, upon the two oceans; unseen, but undoubted bulwarks against the respective continents of Europe and Asia.

I have thus thrown together for you "*my thoughts on the Treaty of Peace.*" I intended to deal with several details more largely; but perceiving that incidentally they have been touched upon, my conscience will not permit me to open on your patience a fresh succession of batteries. One topic, I dare say, as it is the rage of the season, you will be surprised to discern wholly absent. You doubtless think it naturally, if not inseparably, connected with the Treaty. I do not. Acquisition or extension of territory is one thing—the after government of that territory is another. It manifests great sectional jealousy, or an inveterate distrust of the Constitution, to say that we cannot enlarge our limits without endangering the Union. Such a position partakes of the diseased prudence of a man who would reject wealth, under the apprehension that its inheritance might cause controversy among his children; or, more aptly still, it squares with the philosophy of one who retreats from all female society, lest he should prove an unfaithful husband. Entertaining no such sentiment, not having in politics eaten of "the insane root which takes the reason prisoner," I have deemed the matter wholly irrelevant. Indeed, I believe you have heretofore had my views in relation to it, when the occasion was appropriate and direct.

Always faithfully yours,

G. M. DALLAS.

10th October, 1848.

TO WILLIAM WHITE CHEW, ESQ., Germantown, Pa.

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